

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

ROGER L. FREAR,

Plaintiff,

v.

ALTEC INDUSTRIES, INC.

Defendant.

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Case No. 5:17-cv-6034

AMENDED NOTICE OF VIDEO DEPOSITION

TO:

James Seigfreid
John Watt
Attorneys for Defendant
2400 Pershing Road, Suite 500
Kansas City, MO 64108

DATE AND HOUR:

Thursday, November 30, 2017, at 10:00 a.m.

LOCATION:

Buchanan County Courthouse, Clifton Hurst Room
411 Jules Street
St. Joseph, Missouri 64501

WITNESS TO
BE DEPOSED:

Designated Representative of DuVall Lawn Care, Inc. who can
testify regarding the topics referred to in attached Exhibit A.

COURT REPORTER:

Midwest Litigation Services

VIDEOGRAPHER:

Gabriel Harris, Carson & Coil

PLEASE TAKE NOTICE that at the amended date, hour and place, we shall cause the deposition of the above witness to be taken upon oral examination before a shorthand reporter and suitable Notary Public. Witness is directed to consent to testify as to the matters known or reasonably available to the corporation. If not completed on that day, the said deposition will be

continued from day to day, at the same place, until completed. Any party or their attorney may appear and participate as they see fit.

Respectfully submitted,

CARSON & COIL, P.C.



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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF MAILING

The undersigned certifies that an exact copy of the above and foregoing was sent via electronic filing, on November 17, 2017, to all counsel of record.



Gabriel E. Harris MO66461

EXHIBIT A

Please produce an officer, director, managing agent, or other person or persons, competent to testify with regard to the topics listed below.

1. All documents requested in Exhibit B, attached hereto.
2. The provision of snow and ice removal services, and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 14, 2012.
3. The provision of snow and ice removal services, and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 13, 2012.
4. Staffing and job duties of any DuVall Lawn Care Inc. personnel who provided snow and ice removal services and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 14, 2012.
5. The identity of any DuVall Lawn Care Inc. personnel who provided snow and ice removal services and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 14, 2012.
6. Staffing and job duties of any DuVall Lawn Care Inc. personnel who provided snow and ice removal services and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 13, 2012.
7. The identity of any DuVall Lawn Care Inc. personnel who provided snow and ice removal services and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 13, 2012.
8. The manner in which Altec Industries reviewed, inspected, and/or accepted the work performed by DuVall Lawn Care Inc. in January and February 2012.
9. DuVall Lawn Care Inc.'s policies, procedures, and practices for snow and ice removal and ice melt application services.
10. Any oral or written contracts or subcontracts for snow and ice removal and ice melt application services with Altec Industries, Inc.
11. Any payments by Altec Industries for snow and ice removal and ice melt application services at its St. Joseph facility in January, February, or March 2012.
12. The manner in which DuVall Lawn Care Inc. creates and prepares customer invoices and billing.
13. The manner in which DuVall Lawn Care Inc. assigns and maintains invoice numbers, job numbers, and customer numbers.
14. DuVall Lawn Care Inc. Invoice #33316
15. The creation of DuVall Lawn Care Inc. Invoice #33316
16. DuVall Lawn Care Inc. Customer # 25043
17. DuVall Lawn Care Inc. Job # 289090
18. DuVall Lawn Care Inc. Invoice #s 33306–33326
19. DuVall Lawn Care Inc. Job #s 289080–289100

20. Any written or oral communications with any employee or agent of Altec Industries, Inc., occurring in February 2012.
21. Any written or oral communications with any employee or agent of Altec Industries, Inc., occurring in November or December 2013.
22. Any written or oral communications with any employee or agent of Altec Industries, Inc., occurring in March, April, or May 2017.
23. Any written or oral communications with any employee or agent of Altec Industries, Inc., occurring in June and July 2017.
24. Any written or oral communications with any employee or agent of Altec Industries, Inc., occurring in October 2017.
25. Any written or oral communications with any employee or agent of Altec Industries, Inc., occurring in November 2017.
26. Any written or oral communications with any employee or agent of Baker, Sterchi, Cowden & Rice, LLC, occurring in February 2012.
27. Any written or oral communications with any employee or agent of Baker, Sterchi, Cowden & Rice, LLC, occurring in November or December 2013.
28. Any written or oral communications with any employee or agent of Baker, Sterchi, Cowden & Rice, LLC, occurring in March, April, or May 2017.
29. Any written or oral communications with any employee or agent of Baker, Sterchi, Cowden & Rice, LLC, occurring in June and July 2017.
30. Any written or oral communications with any employee or agent of Baker, Sterchi, Cowden & Rice, LLC, occurring in October 2017.
31. Any written or oral communications with any employee or agent of Baker, Sterchi, Cowden & Rice, LLC, occurring in November 2017.

EXHIBIT B

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are hereby commanded to produce the following documents, recordings, or other things written or tangible in your possession, custody, and/or control during your sworn oral deposition:

1. Any written communications (letters, emails, text messages, etc.) with any employee or agent of Altec Industries, Inc., relating to snow and ice removal services and ice melt application services for the period of January to March 2012.
2. Any written communications (letters, emails, text messages, etc.) with any employee or agent of Baker, Sterchi, Cowden, & Rice, LLC, relating to snow and ice removal services and ice melt application services for the period of January to March 2012.
3. Any voicemails or other audio recordings of any employee or agent of Altec Industries, Inc., relating to snow and ice removal services and ice melt application services for the period of January to March 2012.
4. Any voicemails or other audio recordings of any employee or agent of Baker, Sterchi, Cowden, & Rice, LLC, relating to snow and ice removal services and ice melt application services for the period of January to March 2012.
5. DuVall Lawn Care Inc. Invoice #s 33306–33326
6. DuVall Lawn Care Inc. Job #s 289080–289100
7. Invoices or other billing or services records for DuVall Lawn Care Inc. Customer # 25043 for the period of January to March 2012.
8. Written policies and procedures for DuVall Lawn Care Inc. in effect in February 2012 and relating to the provision of snow and ice removal services and ice melt application services.
9. Original DuVall Lawn Care Inc. Invoice # 33316.
10. Original invoice for DuVall Lawn Care Inc.'s provision of ice and snow removal services and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 13, 2012.
11. Original invoice for DuVall Lawn Care Inc.'s provision of ice and snow removal services and ice melt application services at Altec Industries, Inc.; 5610 Corporate Drive; St. Joseph, Missouri on February 14, 2012.
12. Receipts or other documentation for payment of DuVall Lawn Care Inc. Invoice # 33316.
13. Payroll records of DuVall Lawn Care Inc. for the period of February 2012.
14. Employee records of DuVall Lawn Care Inc. for the period of February 2012.
15. Timesheet records of DuVall Lawn Care Inc. for the period of February 2012.
16. Any contracts or subcontracts between DuVall Lawn Care Inc. and Altec Industries Inc. relating to the provision of snow and ice removal services and ice melt application services in effect in January to March 2012.